

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JUN 28 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0175
)	DEPARTMENT B
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
ANTONIO JACOB SULE,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20074830

Honorable Terry L. Chandler, Judge

AFFIRMED

The Chang Law Firm, PLLC
By Gene Chang

Tucson
Attorney for Appellant

K E L L Y, Judge.

¶1 Following a jury trial,¹ appellant Antonio Sule was convicted of aggravated assault of a police officer, a class five felony. *See* A.R.S. § 13-1204(A)(8)(a).² After finding that Sule had two prior felony convictions, the trial court sentenced him to a substantially mitigated three-year prison term. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating he has reviewed the record and has found “[n]o arguable question of law” to raise on appeal. Counsel has asked us to search the record for fundamental error. Sule has not filed a supplemental brief.

¶2 Viewed in the light most favorable to sustaining the verdict, the evidence was sufficient to support the jury’s finding of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). The evidence presented at trial showed that the victim, a deputy sheriff, was injured during an altercation with Sule in 2007. At the time of the incident, the officer was wearing his uniform, had activated the flashing red and blue lights on his marked patrol car, and had identified himself as a police officer to Sule. We further conclude the sentence imposed is within the statutory limit.

¹Sule’s motion for a new trial was granted following his first trial; this conviction arose from his second trial.

²Section 13-1204 was recently amended. The version of the law in effect at the time Sule committed the offense is the same in relevant part. *See* 2007 Ariz. Sess. Laws, ch. 47, § 1.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Sule's conviction and sentence.

/s/ Virginia C. Kelly
VIRGINIA C. KELLY, Judge

CONCURRING:

/s/ Garye L. Vásquez
GARYE L. VÁSQUEZ, Presiding Judge

/s/ Peter J. Eckerstrom
PETER J. ECKERSTROM, Judge